

Message Text

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42

ORIGIN L-02

INFO OCT-01 AF-06 ISO-00 SSO-00 SCA-01 /010 R

DRAFTED BY L/M:HFSHAMWELL:CDJ

APPROVED BY L/AF:FKWILLIS

AF/W:JBISHOP (SUBS)

AF/EX:JBRYANT (SUBS)

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O 171646Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY LAGOS IMMEDIATE

UNCLAS STATE 115864

E.O. 11652:N/A

TAGS: AFSP, OGEN

SUBJECT: REQUEST FOR WAIVER OF DIPLOMATIC IMMUNITY

REF: LAGOS 4555

1. EMB REQUESTED AUTHORIZATION TO WAIVE DIPLOMATIC IMMUNITY OF UNNAMED DIPLOMATIC OFFICER TO ESTABLISH VALIDITY OF EMB LEASES TO STGL PROPERTIES IN NIGERIA. PRIOR TO GRANTING OF SUCH AUTHORIZATION, DEPT NEEDS ANSWERS TO FOLLOWING QUESTIONS: (A) WHAT ARE SUBSTANTIVE AND PROCEDURAL PARTICULARS OF LEGAL ACTION IN QUESTION? E.G., WHEN IS EMB REQUIRED TO RESPOND TO COMPLAINT AND IN WHAT FASHION? (B) DOES EMB REQUEST AUTHORIZATION TO RETAIN PRIVATE ATTORNEY TO REPRESENT USG INTERESTS IN MATTER AS REQUIRED BY FAM; AND (C) WHAT TESTIMONY OF EMB OFFICER OR OFFICERS WOULD ASSIST IN ESTABLISHING VALIDITY OF LEASE(S)?

2. ONCE DEPT MORE FULLY INFORMED CONCERNING SPECIFICS OF LEGAL ACTION INVOLVED, WE WOULD BE BETTER PREPARED TO AUTHORIZE HIRING OF ATTORNEY, TESTIMONY OF APPROPRIATE EMB OFFICER (E.G., BY DEPOSITION OR OTHERWISE), OR UNCLASSIFIED

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OTHER DISPOSITION IF WARRANTED. AT THIS TIME, DEPT CANNOT AUTHORIZE WAIVER OF IMMUNITY FOR TESTIMONY OF EMB OFFICER WITHOUT SPECIFIC INFORMATION AS TO NEED FOR SUCH TESTIMONY AND RELEVANCE TO UNDERLYING LEGAL

ISSUES. WHILE DEPT SYMPATHETIC TO CONCERNS EXPRESSED
IN PARAS 4, 5 AND 7 REFTL, WE DO NOT FULLY UNDERSTAND
WHY DECISION ON THESE MATTERS WOULD NOT BE PRELIMINARY.
KISSINGER

UNCLASSIFIED

<< END OF DOCUMENT >>

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Disposition Event:
Disposition History: n/a
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Margaret P. Grafeld
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